

UNITED STATES FEDERAL COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA.

450 Golden Gate Avenue. Hon. Judge Seeborg

San Francisco, California. 94102. #:5:06-CV-00069 JW

Habeas Corpus U.S.C. 42 § 1997. Date Filed: 01/09/06.

HAUL, RIVERA, CHAVEZ, 07082733, Self,

51 Fairview Ct, Hollister, California, 95023,

vs.

People of The State of California,

Superior Court of Santa Clara County,

Board of Prison Terms, Attorney General, 13, 972088, Kyer,

Defendants, 077885 Dec. 12-07.

Dated: Dec. 26th 2007.
Request:
Partition of Affidavit
Attached: Civil -
Cover Sheet JS 44-
CAND (Rev. 1104),
Proof of Service
Attached Account
of Funds Order No. -
077885 Dec. 12-07.

Affidavit **C08 00491JW**

I ask Your Honor, to accept review concerning pending state case: CC788137 related to above docket is an action after the fact. That on: 11/13/92. nolo-contender plea agreement P.C. § 91.20 [e] n117 approved by all members of the court due to there was no evidence in a psychological report P.C. § 91.21 [2]. not until above date did investigative probation officer request registration. I contested without relief on imposition of sentence. I filed to court for resentencing. family went to Public Defenders Office and court clerks, they both stated case sealed I wasn't granted a choice in final Judgment which was for credit only as Judge in sentencing circled; waves formal Probation Report. P.C. § 17. (b) (3) This matter should be reduced to a misdemeanor as I was granted Probation at the time of sentencing without imposition of sentence. On: 12/11/93. arrested for violation of probation 159787 on the 13th sentenced to P.C. § 148 I was in shock in court due to multiple Broken Ribs and Numerous Fractures and didn't understand nature of charges against me. I was convicted on a not guilty plea to (6) six years prison when agreement at sentencing 10/21/92. was (3) three Years Prison Suspension if I violated probation. Not until after appeal did I noticed Preponderance of Evidence P.C. § 1054.3 [a]

U.S. Federal Court for The Northern

District of California. #: 5:06-CV-0069 JW

Raul, Rivera, Chavez, 07082733,

File Date: 01-09-06.

State of California, Intit'ies,

Date: Dec. 26th 2007.

On a Probation Report of alledged victim statement, several times at end of statement to Justify Judge, Chang, decision to mid-term was acurate. Evidence Code § 83.08 [3] [b] affecting burden of proof, privillage § 83.09 Production of Evidence § 83.14 - writings Offical Records - Testimonial written police reports. requested by Subpoena Duces Tecum to Supervicing Judge by Legal Resources Coordinator on: 12/11/07. Picked up by Lisa also on: 17th of Dec. 07. submitted in Triplicate Duces Tecum, attached Proof of Service with Requested court sealed Challenge and Farretta dismissal request at: Judge Maione Dept. 51 on: 12-17-07. along with affidavit - motion to Review Case Under Submission. with attached Hall of Justice Records and Judge May Feloney Minutes Certificate of 10-21-92, conviction, Attorney Self signed/dated in Blue Ink. also case: CC 068582 convicted; 04/08/00, Judge Lisk, subpoena for Investigative Police Handwritten Report at scean of crime by victim, so I can clear actuesation I committed crime. It is my intent to state to this court Public Defenders Office Employees Chelf Defender Younger stand in counsel of 11-13-92. and Juan Lopez counsel on: 4/8/00. and 3-23-06. failed to fairly represent me. In Intrrest of Justice Dismiss Charges.

I state that I am of Right State of Mind, and submit this document and state is true and correct and under penalty of perjury execute it at: San Jose, California. 95110. on: December 26th 2007.

Dated: 12/26/07. Raul, Rivera, Chavez, Raul, Rivera, Chavez Plaintiff

Dated: / /

U.S. Federal N. District Court Clerk

C.C. Justice Dept. Reginal Manecement of Ca. 1200 Bayhill Dr. San Bruno, Ca. 94066.

C.C. Requested

(2).

PROOF OF SERVICE BY MAIL

I, Raul Rivera Chavez, declare:

I am, and was at the time of the service hereinafter mentioned, over the age of 18 years and is a party to the above-entitled cause. My (residence or business) address is

51 Fairview Ct. San Jose California.
95023.

and I am a resident of, or employed in, Santa Clara County, California.

On the date of December 26-07, I served the U.S.N. District -
Fed. Court of Ca. (2) Two Page Habeas Corpus Affidavit
and Civil Cover Sheet and Trust Account Slip dated Dec. 12-07.
(exact title of document(s) served)

by depositing a copy of the document(s) in the United States mail at

(location) 2661 Baton Rouge Dr., (city) San Jose Calif 95113

Santa Clara County, California in a sealed envelope, with postage fully prepaid, addressed as follows: (In the space below insert the name and mailing address of each person you are serving with these documents. If the person is a party to the action or an attorney for a party, indicate that with the address). Hon. Judge Richard, Seeborg U. S. Federal Court of Northern District of Calif.
450 Golden Gate Ave. San Francisco Ca. 94102.

At the time of mailing there was regular delivery of United States mail between the place of deposit and the place of address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 26th 2007.

Raul Rivera Chavez,
(Signature of person mailing)
Raul Rivera Chavez,
(Name of person mailing, typed or printed)

Carbon
Copy requested

(6)

JS 44 - CAND (Rev. 11/04)

ADR CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

I. (a) PLAINTIFFS **Raul, Rivera Chavez**
#07082733, 51 Fairview Ct.
Hollister Calif, 95023

DEFENDANTS **Superior Court of Calif,
Board of Prison Terms; Antities,
Bill Lockyer**

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF **Santa Clara**
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT **Santa Clara**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

"Self" Raul, Rivera Chavez, 505-9628

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

C08 00491 JW

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☒ 1 ☐ 1 PTF DEF
Citizen of Another State ☐ 2 ☐ 2 PTF DEF
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 PTF DEF
Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 PTF DEF
Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 PTF DEF
Foreign Nation ☐ 6 ☐ 6 PTF DEF

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ Original Proceeding ☐ Removed from State Court ☐ Remanded from Appellate Court ☒ Reinstated or Reopened ☐ Transferred from Another district (specify) ☐ Multidistrict Litigation ☐ Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 163 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl./Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 188 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 881 HRA (1396P) <input type="checkbox"/> 882 Black Lung (923) <input type="checkbox"/> 883 DRWC/DRWW (406(g)) <input type="checkbox"/> 884 ESRO Title XVI <input type="checkbox"/> 885 RSI (406(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 420 Banks and Banking <input type="checkbox"/> 460 Commerce/ICC Rate/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 960 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Workers <input type="checkbox"/> 445 Other Civil Rights <input type="checkbox"/> 446 Armer w/ disab - Empl <input type="checkbox"/> 448 Armer w/ disab - Other <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 480 Cable/Satellite TV	PRISON PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus; <input type="checkbox"/> 515 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 560 Civil Rights <input type="checkbox"/> 565 Prison Condition		

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) **U.S.C. 42 § 1997 Habeas Corpus Docket-**
No. #15:06-CV-00069 JW

VII. REQUESTED IN COMPLAINT: ☒ CHECK IF THIS IS A CLASS ACTION DEMAND \$ ☐ **OPEN** ☒ YES only if demanded in complaint:
UNDER F.R.C.P. 23 JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE". **§1983 Civil Rights 94-20378 JW**

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY) ☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE

DATE SIGNATURE OF ATTORNEY OF RECORD

30 Requested

[illegible]

2. Requested.

OC78 8137

Dated: 12-26-07, Raul, Rivera, Chavez, Raul Rivera, Chavez,

RECEIVED
DEC 12 2007

DEC 1 8 2007

KIRI TOARE

KIRI TORRE
Chief Executive Officer
Superior Court of CA County of Santa Clara
BY ANDRINA ROMAN-CASTILLO DEPUTY

C08 00491

JW